

City of Selah
Council Minutes
September 10, 2019

Regular Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

A. Call to Order Mayor Raymond called the meeting to order at 4:00pm.

B. Roll Call

Members Present: Jacquie Matson; John Tierney; Diane Underwood; Russell Carlson

Members Absent: Kevin Wickenhagen; Jeremy Burke; Roger Bell

Staff Present: Donald Wayman, City Administrator; Dale Novobielski, Clerk/Treasurer; Rick Hayes, Police Chief; Gary Hanna, Fire Chief; Jim Lange, Deputy Fire Chief; Joe Henne, Public Works Director; Jeff Peters, Community Development Supervisor; Ty Jones, Public Works Utility Supervisor; Andrew Potter, Human Resources Manager; Monica Lake, Executive Assistant

C. Councilmember Absence – Motion to Excuse

City Administrator Wayman stated that Council Members Bell and Wickenhagen would not be at the meeting, and that Council Member Burke would be arriving late due to a work commitment.

Council Member Carlson moved, and Council Member Underwood seconded, to excuse Council Members Bell, Wickenhagen and Burke. By voice vote, approval was unanimous.

D. Pledge of Allegiance

Council Member Underwood led the Pledge of Allegiance.

E. Invocation

Pastor Chip Nill gave the prayer.

Mayor Raymond introduced Pastor Nill as the new pastor of the Bible Baptist Church.

F. Agenda Changes

1. R -1: Executive Session has been relocated to immediately precede N – 1: Resolutions

G. Public Appearances/Introductions/Presentations **None**

H. Getting To Know Our Businesses **None**

I. Communications

1. Oral

Mayor Raymond opened the meeting.

Connie James, 111 East Goodlander Road, approached the podium and addressed the Council. She expressed concern for the current improvement plan on the north side of East Goodlander Rd, saying that although only two properties would be impacted in a negative way they do pay taxes and expect the City to respect safety accordingly. She went on to describe the sidewalk that was planned to end ninety to a hundred feet from the driveway of 107 East Goodlander, leaving walkers no way to continue on a sidewalk, no safe way to cross the street, and the possibility of an ADA compliance issue as well.

Council Member Tierney moved, and Council Member Carlson seconded, to allow Ms. James an additional two minutes to speak.

Ms. James opined that the appearance of the completed project would be unsightly, with a retaining wall that will end partway up her property and a sidewalk to nowhere, and result in a decrease of property value as well as create a safety issue. She felt that the City had a duty to finish the project, to make the improvements safe and aesthetically pleasing, and requested that the current project be revised to include continuation of the retaining wall and sidewalk to 107 East Goodlander Road. She offered pictures to Council for review.

Council Member Burke joined the meeting.

Bronson Faul, Selah Municipal Court Judge, approached the podium and addressed the Council. He said that, while it's not often he addresses issues other than the budget; he saw that the City was thinking of hiring Rob Case as the new city attorney and wanted to speak as to his qualifications. He stated that Mr. Case is a highly capable attorney, and that they wouldn't be disappointed if they approve the contract.

Mayor Raymond stated that Council Member Burke had joined the meeting.

Council Member Burke apologized for his tardiness.

Tiffany Hein, Selah Downtown Association (SDA), approached the podium and addressed the Council. She said that Viking Pride Spirit Week was next week, and they have partnered with twenty businesses thus far to put together specials for those who shop at participating businesses in the day's theme attire. She encouraged everyone to participate in any way they would like to show off their community spirit, adding that the SDA would be giving away an award for those businesses that show off their community spirit with decor, and that the Viking Crew would be giving awards to students who encompassed school spirit, all of which would be handed out Friday night.

Council Member Carlson requested that she talk about the parade.

Ms. Hein replied that it would be on Wednesday night at 6:30, starting at the Civic Center.

Bill Zirkle approached the podium and addressed the Council. He said that he was born and raised in the community, was active in sports in his day, and came to Council to talk about Carlon Park. He talked briefly about Bill Carlon and his contributions to the community, expressing his concern about what the perceived dilution of the name of Carlon Park. He opined that the resolution naming Wood field for Noel Wood was a sad thing, totally absurd with no documentation or authentication.

Council Member Burke moved to allow Mr. Zirkle two more minutes to speak.

Mr. Zirkle added that when one changes history or alter facts they're in trouble, and that they have an opportunity to make things right.

Mike Carlon approached the podium and addressed the Council.

Mayor Raymond requested that he state his name for the record.

Mr. Carlon identified himself, saying that he is the oldest son of the Bill Carlon that Carlon Park was named for. He gave a brief history of his family in the Selah area, focusing on their involvement in sports, and pointed out that Dave Vick was the only person to come to Council requesting that the Archer name be added to the baseball field.

Council Member Burke moved, and Council Member Carlson seconded, to allow Mr. Carlon an additional two minutes to speak.

Mr. Carlon requested thirty minutes to speak, saying that Council has had no feedback from anyone other than the Archer family, adding that he had asked for a phone call from the Mayor on the matter.

Mayor Raymond responded that they would never disrespect Coach Carlon or remove him name from Carlon Park, that the entire complex is Carlon Park.

Mr. Carlon stated that he was talking specifically about the baseball field.

Mayor Raymond remarked that they would never disrespect Coach Carlon or remove his name from the field, while he wanted the City to remove Noel Woods' name from the field.

Mr. Carlon asked why not.

Mayor Raymond answered that because at that time his name was important to someone.

Mr. Carlon disagreed, saying that he had talked with a hundred baseball players about it.

Mayor Raymond reiterated that when the field was named after Noel Wood a group of people thought it important enough to name after him. She added that they don't know why, and that some people don't know the history of Coach Carlon either. She noted that the Wood family still lives in Selah.

Mr. Carlon stated that he knew that man as well as anyone.

Mayor Raymond remarked that unless Council decides to vote against her, Noel Wood's name would remain on that field, and that removing Mr. Wood's name from the field was not up for discussion.

Mr. Carlon replied that he heard where she was coming from, as she had been adamant all along in that regard. He went on to say that former Council Member Dufault thought the name was Archer-Carlon Park and that the Mayor was the only one who raised the Wood Field issue, referring Council to the handout he provided containing copies of newspaper articles regarding his father supervising the building of the baseball field and coaching under the lights in the field as early as 1947.

Council Member Tierney called time.

Council Member Burke asked if he was allowed to give two minutes.

City Administrator Wayman remarked that Council could give Mr. Carlon whatever time limit they chose by way of a motion, a second, and a vote.

Council Member Burke moved, and Council Member Underwood seconded, to give Mr. Carlon a total of ten minutes to speak. By voice vote approval was unanimous.

Mr. Carlon continued to speak, referring Council to other items in the handout as he spoke about the nonprofit Selah Sports Association formed by his family and the Graf family for baseball, how his dad had talked to Noel Wood, a grower and part-time cop, about lights for the field. He explained how Bill Carlon raised money for the lights and poles, including the acquisition and selection of trees from the forest for light poles, and that the Selah Sports Association was run by Dick Graf and Bob Graf as President and Treasurer respectively. He referenced a letter to the editor in the handout, saying that Bill Carlon supported women's sports very heavily, which was why they had four lighted softball fields, providing more history on his father's involvement with the creation of the softball fields.

Council Member Tierney called time.

Mr. Carlon requested additional time to speak.

Mayor Raymond replied that she believes there are other people who wish to speak. She read aloud from the Resolution naming the baseball field as Wood Field for clarification.

Mr. Carlon commented that he was glad she brought that up, and that it was fake news.

Mayor Raymond asked Mr. Carlon to please sit down.

Mr. Carlon opined that Noel Wood was not involved for forty years and the resolution was a fabrication.

Mayor Raymond requested a second time that Mr. Carlon please sit down.

Police Chief Hayes approached Mr. Carlon at the podium and requested that he take his seat.

Mr. Carlon protested that he wasn't given equal time, that the Resolution wasn't true, and that no officers from the Selah Sports Association did this. He stated that no one knows who submitted Noel Wood's name to Council for naming the baseball field.

Police Chief Hayes told Mr. Carlon that he needed to have a seat.

Mr. Carlon expressed hope that Council would take the information provided and come to a conclusion, adding that they offered the Archers a sweetheart deal without talking to anyone, and that the name was originally to be Archer-Carlon Stadium. He added that if it turns out that Archers fabricated a story for Noel Wood they shouldn't be included, and that it was a very interesting dilemma that in his opinion had yet to come to a satisfactory conclusion.

Robert Graf approached the podium and addressed the Council. He said that he had talked to Council previously about the naming of the baseball field at Carlon Park, and was opposed to it being anything other than Carlon Park, Field or Stadium. He did not think that the Archer name should be included in the name of the field as it was all done prior to the time the Archers have coached. He opined that Bill Carlon was Mr. Baseball of Selah, as he not only coached high school baseball, football and basketball, but was the single person responsible for lighting at the baseball field. He spoke about Mr. Carlon's time as the athletics director and his involvement in the Title IX program for girls, saying that he saw many of his athletes enjoy great success in sports, win championships, and get state recognition.

Council Member Carlson moved, and Council Member Underwood seconded, to allow Mr. Graf an additional two minutes to speak.

Mr. Graf suggested to the Mayor and Council that they send out a letter of apology and regret to the families whose names were added to the Carlon Park field, opining that for a name to be added to the field without any prior announcement, community involvement, or community discussion was wrong and disrespectful to the Carlon family, the citizens of the Selah community, and the athletes Bill Carlon coached.

Allen Melton approached the podium and addressed the Council. He said that he was born and raised in Selah, and spoke about Bill Carlon's involvement with the baseball field maintenance and as a coach. He felt it totally ridiculous to remove his name from that field, adding that the Archers didn't build the field or do a thing, it was built by Mr. Carlon and his bunch. He reiterated that he felt it ridiculous to change it for someone who didn't build the field and was only there ten years, saying that he knows the Archers but doesn't think their name should be there.

Seeing no one else rise to speak Mayor Raymond closed the meeting.

2. Written

- a. Code Enforcement Report for August 2019
- b. Permits for August 2019

J. Proclamations/Announcements **None**

K. Consent Agenda

Council Member Tierney moved to add N – 2 and N – 3 to the Consent Agenda.

Council Member Matson wished to discuss N – 3.

Council Member Carlson wished to discuss N – 2.

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

- * 1. Approval of Minutes: August 27, 2019 Council Meeting and August 28, 2019 Council Retreat

- * 2. Approval of Claims and Payroll:

Payroll Checks Nos. 82999 – 83033 for a total of \$291,695.34

Claim Checks Nos. 73578 – 73668 for a total of \$204,790.58

Council Member Burke moved, and Council Member Underwood seconded, approval of the Consent Agenda as read. Motion passed with four yes votes and one no vote.

L. Public Hearings **None**

M. General Business

1. New Business **None**

2. Old Business **None**

Council took a five minute recess.

P. Executive Session ****RELOCATED****

- 1. 20 Minute Session –Qualifications for Public Employment RCW 42.30.110 (1)(g)

Council went into Executive Session at 4:48m. At 5:08pm, Council went back on the record. Mayor Raymond stated that they would be extending the Executive Session for an additional 10 minutes following a two minute recess.

Council went back into Executive Session at 5:11pm. At 5:21pm, Council went back on the record. Mayor Raymond stated that no action was taken during the Executive Session.

Council Member Burke asked Mr. Case to step forward.

Rob Case approached the podium to address the Council.

Council Member Burke said that he understands that he represents an employee of the city.

Mr. Case answered in the affirmative.

Council Member Burke asked if he had discussed the need to have a waiver of attorney/client privilege, or a waiver of conflict of interest.

Mr. Case responded with no to the first and yes to the second, noting that the person referred to was City Administrator Wayman, who he is representing in a civil matter. He went on to say that he has had a discussion with his client that was specific to waiving potential conflicts of interest and had a preliminary document drafted for a two way waiver, giving a brief explanation of what the document was for. He added that most civil lawyers represent many different clients, although even with a waiver agreement there was the theoretical possibility that such significant conflict could arise, and that in that scenario he would withdraw from representing Mr. Wayman and stay representing the City. He said that it was only theoretical, based on what he was doing for the City Administrator and would be doing for the City.

Council Member Burke inquired if he felt confident about being able to identify potential conflicts and notifying the Mayor and Council on what he would do about it.

Mr. Case replied in the affirmative, explaining the procedure his firm uses to compile a preliminary conflict background and data about the potential parties, which included checking their system and making sure none of their staff have a conflict either business or personal. He added that the way to approach potential conflicts was to be upfront about them.

Council Member Carlson wondered how he heard about the position.

Mr. Case said that he had heard about the potential availability before it became available, when he was working with Bob Noe as part of City Administrator Wayman's case, and also knew the Yakima School District was looking for an in house counsel. He said that he heard about the RFP through list serve and saw the request for proposals on the City's website, that it wasn't mentioned privately. He noted that City Administrator Wayman was surprised when he learned he was putting his name in for the position.

Council Member Tierney asked what background he had that related to land use issues.

Mr. Case explained that the first firm he clerked at, Ramsey and Stein in Salem, Oregon, had a personal injury lawyer and a land use lawyer, and he worked principally under the land use attorney on land use projects such as proposals for conditional use permits. He went on to say that his current firm is not a large land use firm, although they represent large and small developers and land owners, giving a recent example defeating a civil claim for partitioning. He noted that he would be studying the municipal code and felt that he would be able to handle the legal needs of the City.

N. Resolutions

1. Resolution authorizing the Mayor to sign a Contract for Legal Services with D. R. (Rob) Case (WSBA #34313)

City Administrator Wayman addressed N – 1. He said that the fiscal impact would be nine thousand a month, which was a thousand dollar decrease from the previous city attorney's contract, and reviewed the funding sources for the fee. He noted that the screening committee was chaired by the Mayor, and she selected Mr. Case from those interviewed.

Council Member Carlson asked if the contract was the same one used for Bob Noe with a change to dates and names.

City Administrator Wayman replied in the negative, saying that this contract was more thorough and detailed with regard to his exact duties and terms of termination, while the one Mr. Noe had was more of a general contract with less specifics.

Council Member Burke stated that it wasn't the same contract, he would say that this one was more thorough and detailed without holes or questions one doesn't wish to have in a contract. He moved to approve N – 1, adding that he would like to say that while there were questions from him that stemmed from a potential appearance of conflict, it falls to Mr. Case to identify them and ensure that the City takes priority if a conflict arises. He added that his motion adds in that the waiver would only be for the current case, and if another arises in the future Council could address it at that time.

City Administrator Wayman commented that as the person who would have to sign he would agree.

Council Member Burke moved, and Council Member Tierney seconded, to approve the Resolution authorizing the Mayor to sign a Contract for Legal Services with D. R. (Rob) Case (WSBA #34313), with the condition that both parties agree to sign a waiver for current representation.

Council Member Carlson inquired if that would include all future dealings with Mr. Wayman outside City purview.

Council Member Burke answered that if there was actual litigation pending they could put actual representation as to that cause number, but this would be just for the current case pending.

Council Member Carlson asked if there was still potential that he could represent the City Administrator in the future.

Council Member Burke responded that as long as the current case has a waiver it would address conflict of interest, adding that he had been slightly appraised of the details and possible appearance of conflict.

Roll was called: Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

2. Resolution authorizing the Mayor to sign Task Order 2019-08 Addendum No.1 between the City of Selah and HLA Engineering and Land Surveying, Inc. to provide Engineering services for the Naches Avenue and N. 1st Street Sidewalk Improvements Project

Public Works Director Henne addressed N – 2. He said that this was a resolution for addendum number one to task order 2019-8 for engineering services for the Naches Ave and First Street sidewalks, saying that it takes care of the paperwork and certified documents, and asked for approval.

Council Member Carlson questioned the additional four thousand dollars, wondering why they were asking for more and what had changed.

Public Works Director Henne replied that the original task order was to design and put together a bid package, and there was no guarantee that it would be accepted.

Council Member Carlson asked that he confirm the initial eight thousand was for preparation.

Public Works Director Henne answered in the affirmative, saying that it was not to administer the design packet's financial requirements.

Council Member Carlson wondered why the amount wasn't included when the bid was awarded.

Public Works Director Henne responded that he didn't know if Council would approve the project and also didn't have the task order at that time.

Council Member Carlson felt that it made sense to present all costs when approving a project.

Public Works Director Henne repeated that he didn't know whether they would award the project.

Community Development Supervisor Peters noted that there was a change to the original design.

Council Member Carlson asked when the change was made.

Community Development Supervisor Peters replied that when the original project was put together they had input to put in plain sidewalks, then Public Works was asked to revise it based on an owner's input to revise improvements, which was brought back to council with the additional costs.

Public Works Director Henne added that they were in a time crunch moving forward with it before winter and couldn't get the paperwork done and requirements for the timeline in that packet.

Council Member Burke wondered if the four thousand covered the costs of HLA providing onsite construction observation and confirming that the materials meet the City's requirements.

Public Works Director Henne read aloud from the task order what HLA would provide, saying that they would be doing inspections in-house to save on additional funding.

Council Member Tierney moved to approve the Resolution authorizing the Mayor to sign Task Order 2019-08 Addendum No.1 between the City of Selah and HLA Engineering and Land Surveying, Inc. to provide Engineering services for the Naches Avenue and N. 1st Street Sidewalk Improvements Project.

Council Member Matson inquired if this was something that could be done in-house.

Public Works Director Henne answered in the negative.

Council Member Burke asked if Granite Construction had been given notice.

Public Works Director Henne responded that they had started work on the project.

Council Member Burke opined that half the items look like space fillers.

Public Works Director Henne replied that they are doing some inspections on a limited basis.

Council Member Matson wondered why the building inspector wasn't doing that.

Public Works Director Henne remarked that he had a couple guys from Public Works coming out to look at the materials being used.

Council Member Carlson said that his frustration was knowing that there would be additional costs and not having it presented as part of the project, as he felt that when approving a project he wanted to know what was included as far as additional costs.

Public Works Director Henne replied that he mentioned that this would be forthcoming.

Mayor Raymond remarked that they discussed the additional expense when it was brought to Council.

Council Member Burke pointed out that there wasn't extra cost in the budget of the last resolution passed, and that his only issue is that at a certain point in time they should look at the contracts and indicate that this isn't just an endless ask.

Community Development Supervisor Peters commented that when this was brought to Council they heard the original proposal to go with straight concrete sidewalks then gave direction to Public Works Director Henne to come back with a proposal incorporating what the property owner wanted, which resulted in a task order that was significantly higher than what the project was. He added that it was up to Council whether to approve and move forward with it and they were told there would be a second task order brought before them.

Council Member Carlson seconded to approve the Resolution authorizing the Mayor to sign Task Order 2019-08 Addendum No.1 between the City of Selah and HLA Engineering and Land Surveying, Inc. to provide Engineering services for the Naches Avenue and N. 1st Street Sidewalk Improvements Project. Roll was called: Council Member Matson – yes; Council Member Burke –

no; Council Member Tierney – yes; Council Member Underwood – yes; Council Member Carlson – yes. Motion passed with four yes votes and one no vote.

3. Resolution Authorizing the Mayor to sign an Interagency Agreement Amendment No. 2 between the State of Washington Department of Enterprise Services (DES) and the City of Selah

Public Works Director Henne addressed N – 3. He spoke briefly about the history of the agreement between the City and the Department of Enterprise Services, saying that they provided grant and loan funding to do energy improvements, including the replacement of city owned street lights with LED heads, replacing a blower at the treatment plant and some aerators at pretreatment and other lighting. He remarked that they had a clause in the contract it could be extended to keep tracking the amount of energy the project was saving, which they are asking to do through December 2021.

Council Member Matson wondered if they would continue to provide them different options or suggestions for additional savings.

Public Works Director Henne replied in the negative, saying that this was just to monitor that the amount of savings is what they projected, to see whether the program was saving the amount of energy they believed it would and whether it was justifiable savings.

Council Member Burke asked if they shared the data.

Public Works Director Henne answered in the affirmative.

Council Member Carlson inquired if they shared that with staff, adding that nothing had been shared with Council.

Public Works Director Henne responded that he could share the information if requested.

Council Member Burke moved, and Council Member Matson seconded, to approve the Resolution Authorizing the Mayor to sign an Interagency Agreement Amendment No. 2 between the State of Washington Department of Enterprise Services (DES) and the City of Selah. Roll was called: Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

4. Resolution Authorizing the Mayor to Sign a Contract between Schneider Water Services of St Paul, Oregon and the City of Selah for the Evaluation and Redevelopment of Well 7

Public Works Director Henne addressed N – 4. He gave a brief history of the loss of pumping capacity in Well 7, the steps they have taken towards evaluation and redevelopment, the recommendation of the geohydrologist to install a screen and line the well past seven hundred feet, and dropping in a submersible pump once that's done to try to get it back up to two thousand gallons per minute. He noted that pump installation and reprogramming telemetry would cost an additional three hundred twenty-five

thousand, and requested that they award the contract to Schneider Water Services based on the bid spec for the project.

Council Member Tierney asked what they could do to get more than one bid.

Public Works Director Henne replied that they advertised and contacted people, but this is a deep large artesian well and a lot of local well diggers can't handle it.

Council Member Carlson observed that the bid spec didn't plan for a company to drive equipment from Oregon.

Council Member Tierney commented that DOE said would pay for fifty percent of the original amount and wondered if they would increase that amount.

Public Works Director Henne replied that he already asked and the answer was no.

Council Member Burke requested that he put this in perspective versus digging a new well.

Public Works Director Henne responded that a new well would cost around a million or million three.

Council Member Burke inquired if it was better to spend half a million refurbishing or to dig a new well.

Public Works Director Henne answered that there are no guarantees, but they believe it's a pocket down there that was depleted enough that the ability for the aquifer to replenish the pocket is perhaps not there any longer, and that's why static pressure has gone down. He added that the other option was to relinquish five to eight hundred gallons a minute or to build a new pump house and well.

City Administrator Wayman commented that their thinking was to finish the investigation of whether the well can be rehabilitated, and if not than they would re-evaluate the situation.

Public Works Director Henne added that they need to protect their water rights, and that while they don't know what to expect or what they will find, the geologists are telling them this is the best route to try to increase water flow.

Council Member Tierney moved, and Council Member Burke seconded, to approve the Resolution Authorizing the Mayor to Sign a Contract between Schneider Water Services of St Paul, Oregon and the City of Selah for the Evaluation and Redevelopment of Well 7. Roll was called: Council Member Matson – yes; Council Member Burke – yes; Council Member Tierney – yes; Council Member Underwood – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.

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| O. | Ordinances | None |
| P. | Public Appearances | None |
| Q. | Reports/Announcements | |

1. Departments

Police Chief Hayes had no report other than he has decided not to retire at the end of this year. He said that they have had eleven people sign up for VIPS and were currently going through policies and what uniform to put them in.

City Administrator Wayman requested that he provide details on last week's homicide.

Police Chief Hayes stated that two twenty-two year olds were doing some disarmament drills with a live pistol, unloaded it and took a break, and when they came back to continue they failed to unload a second time, which caused it to go off and kill one young man. He said that it was negligence, that the two young men were best friends, and the case would be referred to the prosecutor for review. He noted that the victim's mothers wanted nothing to do with charging him for any crime. He noted that the Fire Department would be offering critical incident debrief that would be open to his officers as well.

Community Development Supervisor Peters gave a brief update on the planning department, adding his thanks to Council for the retreat. He noted that the new building inspector would be starting Monday to train with Roy Brons, and he would introduce him at the next Council Meeting.

Council Member Burke asked about any plans or permits along Crusher Canyon.

Community Development Supervisor Peters answered that it was a Graf Investments project.

City Administrator Wayman noted that their current intent is to help with a property survey.

Community Development Supervisor Peters remarked that he didn't remember the last estimate of when the design proposal would be coming forward, but it should be sometime this year.

Council Member Carlson was curious about whether there would be a retaining wall on the development along Crusher Canyon.

Community Development Supervisor Peters responded that it would be done on a lot by lot basis.

Council Member Burke wondered if there was anything they could do prior to the developer selling those lots to make sure retainage was done without having to talk to new homeowners about it.

Community Development Supervisor Peters explained the process when plans were submitted.

Council Member Burke asked for confirmation that they don't do that until plans are submitted.

Community Development Supervisor Peters replied that was how it had to be done.

City Administrator Wayman added that compaction and excavation would be done prior to the installation of infrastructure, and that all has to be worked out before moving forward.

Public Works Director Henne noted that they required an engineer when the current owner excavated that soil back years prior.

Council Member Burke commented that they were talking about Hayden Homes.

Public Works Director Henne replied that he thought they were talking about Crusher Canyon.

City Administrator Wayman remarked that they can't go forward without proper soil compaction, and as they go forward they'll have to put retaining walls in.

Community Development Supervisor Peters commented that they've already submitted preliminary grading plans for development but final grading for each site depends on how each home fits its lot.

City Administrator Wayman added that they're concerned about the large embankment that runs parallel to Crusher Canyon and touches a city street, and answering that would likely satisfy Council.

Community Development Supervisor Peters replied that he would look at the plans.

Council Member Carlson said that was his concern.

Council Member Burke added that it was his as well.

Council Member Carlson expressed concern about dirt coming down Crusher Canyon, and his desire to see a retaining wall there.

Public Works Director Henne remarked that he had talked to the president of HLA about it, and he was planning to talk with their engineer and find out what's going on, adding that they have to comply with the grading plans submitted that didn't require a retaining wall.

Council Member Carlson reiterated that his question was about stopping that embankment.

Public Works Director Henne responded that it was too steep; they would have to do a retaining wall or shave it back to be in compliance.

Community Development Supervisor Peters noted that they weren't done with grading yet.

Public Works Director Henne gave a brief update on construction projects around town. He said that he had talked with Mr. James about where City right of way ends and County right of way begins along Goodlander Road, and after meeting with the Mayor and City Administrator Wayman they would extend the curb and gutter to tie into the County's curb and gutter. He noted that it wasn't the City's responsibility to make it more aesthetically pleasing, and that at the end of the sidewalk on that side people would have to go up to Lancaster to cross over or jaywalk.

City Administrator Wayman commented that they discussed why the sidewalk was stopped there, that the corner would get developed someday with the future developer required to fund the sidewalk, and they would like to develop as far as they can knowing future development would pay for more.

Council Member Matson asked if the sidewalks would connect at that point.

City Administrator Wayman replied in the affirmative.

Council Member Underwood inquired as to where specifically this was.

Public Works Director Henne replied that it was up to where the County starts at the James house.

Council Member Matson asked if it would be curbing and gutter to the end of their driveway.

Public Works Director Henne explained what would be done, as they have a circular driveway.

Clerk/Treasurer Novobielski said that he has uploaded August financials to the website and was in the process of compiling a preliminary 2020 budget to present to the City Administrator. He noted that they would have meetings with the department heads to go over their requests, and would meet with Council later in the year to review the budget.

City Administrator Wayman said that Recreation Manager Morales was unable to attend but reminded everyone that the Selah Base race was the coming weekend and it should be a great event.

Council Member Matson asked if it started at the Civic Center and at what time.

City Administrator Wayman replied that it starts at 8am at Carlon Park on East Goodlander.

Human Resources Manager Potter said that there would be at least three months of overlap to train the new Building inspector. He remarked that the Fire Department would have a new employee starting on Monday as well, as one of the career staff turned in his notice six weeks prior.

Council Member Carlson wondered if they were allowed to have the names of the new employees.

Human Resources Manager Potter answered that the Building inspector is Jeff Fortner, a journeyman plumber, and the new Firefighter is Tony Roberts.

City Attorney Case said that he looked forward to hitting the ground running, and commented that as far as termination on the contract there was no consequence before if they weren't given thirty days' notice, but in the new contract there would be no payment for whatever month walking out on or for the preceding month. He added that Mr. Noe's contract stipulated thirty days' notice, but his says that the Mayor could remove him with no financial penalty on that. He commented that the waiver does mention a cause number but he would update it to take out future concept language.

2. Council Members

Council Member Matson had no report.

Council Member Burke said that he would be going to the City of Union Gap with the City Administrator and Chief of Police to go over their building, adding that they've offered to give them everything including designs, and that the invitation was open for up to two more Council Members to join them. He thanked City Attorney Case for putting his name in the hat and putting up with their questions, saying that they saved the City twelve thousand dollars and are getting a very qualified attorney who wants to do this. He asked if there was an update on the case from last Friday.

City Administrator Wayman answered that Mr. Owens' attorney filed for an extension last Friday to have more time to prepare their presentation, and that the City had no objection.

Council Member Burke inquired about recouping attorney fees.

City Administrator Wayman replied that the judge did not concur with the City regarding attorney fees; his outlook was that fees that could be charged by the City in execution of demolition, but the statute didn't include attorney fees or expert witnesses. He noted that the discussion wasn't over, and once turnover was complete they would discuss whether to appeal the decision.

Council Member Burke looked forward to hearing Mr. Case's analysis at some point.

Council Member Carlson asked what the dollar amount was.

City Administrator Wayman responded that he didn't know offhand.

City Attorney Case wondered which judge it was.

Council Member Burke replied that it was Judge Federspiel.

Council Member Tierney welcomed the new City Attorney. He noted that they had an LTAC meeting scheduled this month.

Council Member Underwood had no report.

Council Member Carlson welcomed City Attorney Case.

3. City Administrator

City Administrator Wayman welcomed City Attorney Case. He said that he would be presenting the sale of a small piece of property to the Larson family at the next Council Meeting, to allow the coffee shop at the corner of Wenas and East Goodlander to shift their driveway further west. He congratulated Public Works Director Henne for juggling a lot of things right now, thanking him and his staff for what they do.

4. Boards **None**

5. Mayor

Mayor Raymond remarked that she received a letter from dispatch saying that they were impressed with how caring and professional the officers were.

Police Chief Hayes said that he had shared that with them that day.

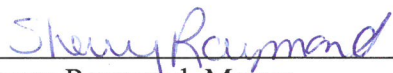
Mayor Raymond noted that Homecoming week was a big week in Selah and encouraged everyone to be a part of it.

P. Executive Session ****RELOCATED****

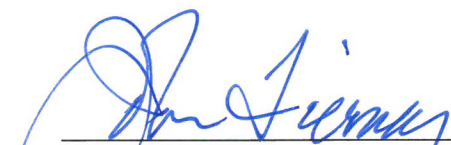
Q. Adjournment

Council Member Carlson moved, and Council Member Burke seconded, that the meeting be adjourned. By voice vote, approval was unanimous.

The meeting adjourned at 6:38pm.



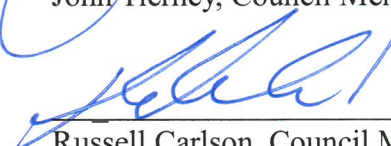
Sherry Raymond, Mayor



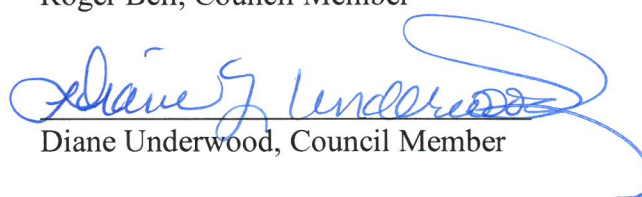
John Tierney, Council Member

EXCUSED

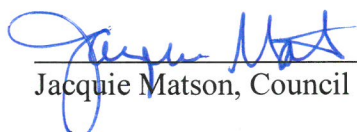
Roger Bell, Council Member



Russell Carlson, Council Member



Diane Underwood, Council Member



Jacquie Matson, Council Member

EXCUSED

Kevin Wickenhagen, Council Member



Jeremy Burke, Council Member

ATTEST:



Dale E. Novobielski, Clerk/Treasurer